

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK

-----X  
UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

NEW YORK STATE BOARD OF ELECTIONS;  
PETER S. KOSINSKI and STANLEY L. ZALEN,  
Co-Executive Directors of the New York State Board  
of Elections, in their official capacities; and STATE  
OF NEW YORK,

Defendants-Appellees.

-----X  
UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

THE NASSAU COUNTY BOARD OF ELECTIONS;  
and THE NASSAU COUNTY LEGISLATURE,

Defendants-Intervenors-Appellants.

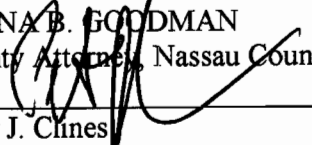
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06 Civ. 0263 (GLS)  
ECF Case

NOTICE OF APPEAL

Notice is given that Appellants and Proposed Defendants-Intervenors, the Nassau County Board of Elections and the Nassau County Legislature (collectively, "Appellants") hereby appeal to the United States Court of Appeals for the Second Circuit from each and every part of the Order of the District Court, Northern District of New York (Sharpe, J.), entered in this action on the 19<sup>th</sup> day of July, 2007, which, "for the reasons articulated in the U.S. Government's memorandum of law," denied Appellants' Rule 24(a)(2) motion to intervene as of right in this action and Appellant's Rule 24(b)(2) motion, in the alternative, to intervene by permission in this action.

Dated: September 13, 2007  
Mineola, New York

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Attorneys for Proposed Defendant-Intervenor County of Suffolk

Order Forming Basis for Appeal - Text Only Order of the United States District Court,  
Northern District of New York, Judge Gary L. Sharpe, Entered July 19, 2007  
(unnumbered docket entry)

ADR

**U.S. District Court**  
**Northern District of New York - Main Office (Syracuse) [LIVE - Version 3.0.5] (Albany)**  
**CIVIL DOCKET FOR CASE #: 1:06-cv-00263-GLS**

07/19/2007		Text Only Order - On December 22, 2006, the Board of Elections and the Legislature of Nassau County filed a motion to intervene as a defendant in this case. Dkt. No. 100. On March 30, 2007, the County of Suffolk also filed a motion to intervene as a defendant in this case. Dkt. No. 111. For the reasons articulated in the U.S. Government's memorandum of law, Dkt. No. 115, this court declines to permit Nassau and Suffolk County to intervene. Accordingly, the motions to intervene are DENIED. Issued by Judge Gary L. Sharpe on 7/19/2007. (jel, ) (Entered: 07/19/2007)
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AFFIDAVIT OF SERVICE

STATE OF NEW YORK )  
COUNTY OF NASSAU ) ss. :

La CHRISTA BROWN, being duly sworn deposes and says that deponent is over twenty-one years of age, not a party to the proceeding herein and resides at Hempstead, New York; that deponent is employed in the Office of Nassau County Attorney; that on the 13<sup>th</sup> day of September, 2007, deponent served the within Notice of Appeal upon:

Barbara D. Cottrell  
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Albany, NY 12207-2924

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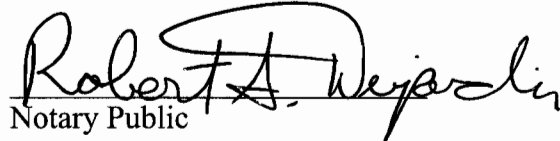
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Leonard G. Kapsalis  
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Attorneys for Proposed Defendant-Intervenor County of Suffolk

By depositing a true copy of the same securely enclosed in a post-paid wrapper in a post office box regularly maintained by the United States Government at the Nassau County Executive Building, Mineola, New York.

  
La Christa Brown

Sworn to before me this  
13<sup>th</sup> day of September, 2007

  
Notary Public

ROBERT S. DUJARDIN  
Notary Public, State Of New York  
No. 01DU4954150  
Qualified In Nassau County  
Commission Expires Nov. 12, 20 09